FILED
Superior Court of California
County of Los Angeles

FEB 05 2024

Vanessa Valdes 1825 Ivar Ave #312 Los Angeles, CA 90028 Vvaldes8@yahoo.com

David W. Slayton, Executive Officer/Clerk of Court

By: C. Grijalva, Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

STANLEY MOSK COURTHOUSE

DR. STEWART LUCAS MURREY

Plaintiff,

Vs.

DEFENDANT VANESSA VALDES'S ANTI-SLAPP MOTION TO STRIKE THE COMPLAINT [CCP §426.15]

Defendant

DATE: FEBRUARY 5, 2024
TIME:

RESERVATION DATE: 04/08/2024
RESERVATION TIME: 10:00AM

DESCRIVATION 10 #: 9415702705

RESERVATION ID#: 914570270504

INTRODUCTION

DEPT: 61

In yet another frivolous and harassing lawsuit filed by plaintiff Stewart L. Murrey ("Plaintiff" or "Murrey") against defendant Vanessa Valdes ("Defendant" or "Valdes"), Ms. Valdes, along with more than 50 other women, is alleged to have made defamatory statements online that have caused Plaintiff monetary and emotional distress that somehow amount to over two million dollars in damages. However, Defendant's statements are considered protected speech pursuant to California's Anti-SLAPP statute codified at California Code of Civil Proc.§ 425.16 and are considered privileged communications pursuant to California Civil Code § 47(b).

These protected statements are the basis for the eleven (11) causes of action against Valdes (and others) in the instant action, particularly the First and Second Causes of Action for Defamation-Libel and Libel per se, respectively. Accordingly, the Complaint as to Ms. Valdes, and particularly the First and Second Causes of Action against her, must be stricken.

Despite the fact that this lawsuit is completely frivolous and a bullying attempt by Plaintiff against Defendant Vanessa Valdes - a woman with whom he has never met - it is an illegal attempt to restrain and punish Valdes's valid exercise of her constitutional right to freedom of speech, especially with the intent of public safety.

Furthermore, California's Anti-SLAPP law protects even the most extreme derogatory internet posts- posts that prove Defendant's innocent comments to be menial in comparison.

DEFENDANT VANESSA VALDES'S ANTI-SLAPP MOTION TO STRIKE - 1

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Since Anti-SLAPP may be used in private disputes, and the internet is a public forum, any alleged comments made by Valdes were in the domain of her rights. Therefore, the court must find that the statements alleged by Valdes are non-actionable statements. As the burden placed on Plaintiff will not be met, the court must rule to strike the complaint under the Anti-SLAPP statute.

STATEMENT OF FACTS

In December 2019, the Plaintiff sent the Defendant, Valdes Valdes, a match request on the dating site, Hinge, in the form of a comment on one of the Defendant's profile photos. Defendant accepted the request and continued with one friendly response. Plaintiff then began harassing Defendant, calling her derogatory names and spouting baseless criticisms. Valdes informed Plaintiff that she would report him for his aggressive and unwarranted behavior, to which Plaintiff responded with a threat to sue Defendant for defamation if she did so- a clear attempt to intimidate her into silence, and the first indication of his litigious nature. Please see true copies of this conversation as Exhibit A to Declaration of Vanessa Valdes. Nowhere in this conversation did Valdes say anything that was defamatory. In fact, it was the Plaintiff who pursued the Defendant and initiated contact with a clear intent to berate her for having a photo with a male friend on her personal profile. Defendant reported Plaintiff to Hinge support, noting her fear for other women's safety in Plaintiff's presence, and blocked him from all future contact. Please see true copies of this report as Exhibit B to declaration of Vanessa Valdes.

In August, 2022, Valdes saw a post in the Facebook group, Are We Dating the Same Guy Los Angeles, from a member requesting information on the Plaintiff. Valdes felt it was her duty as a concerned citizen to share her truthful experience with the interested group members. She posted her experience and her personal feelings about the nature of Plaintiff's dating behavior. Nowhere in her post did she make any defamatory remarks. Further, nowhere did Valdes make any of the statements alleged by Plaintiff anywhere in his Complaint. Please see true copies of the post by Defendant as Exhibit C to Declaration of Valdes Valdes.

On December 12, 2023, Defendant received service of a summons to her home after 10pm. Afraid for her safety after realizing Plaintiff, a complete stranger from the internet, has gained knowledge of her home address, Valdes accepted the inappropriate service to prevent Plaintiff coming near her home again. Defendant was also informed that her name, along with the names of other members of the Facebook group, have been posted by Plaintiff on the public forum, Sickoscoop via researchgate.net, in an article written by Plaintiff that ties Valdes and others to false and frightening global conspiracy theories.

I. Allegations in the Complaint

The eleven causes of action in the complaint are based upon allegations that Valdes and others made intentionally damaging comments discussing Murrey's public records of past lawsuits and arrests, as well as his history of bad online dating behavior, in an online Facebook group called, "Are We Dating the Same Guy Los Angeles".

Nowhere does the Complaint specify any particular false statement made by Valdes, but generally refers to "defendants" making "defamatory statements" including his "involvement in a murder case of his ex wife", how he has "several domestic violence charges filed against him", he "has filed court cases against women trying to extort them", that he "has STDs", "has an ex wife who was killed", that he "deserves to be arrested", how he "claims to be an attorney" and so on. Complaint at p. 3, ¶13, 14, 15, 16, 17.

II. Legal Argument

A. California's Anti-SLAPP Statute Protects First Amendment Rights By Providing a Procedure for Quickly Dismissing Lawsuits Which Chill Those Rights

Nearly 20 years ago, the California Legislature enacted Section 425.16 of the Code of Civil Procedure to provide for the early dismissal of meritless suits aimed at chilling the valid exercise of the constitutional rights of freedom of speech and petition for the redress of grievances. See, Cal. Code Civ. Proc.§ 425.16(a); Braun v. Chronicle Publishing Co., 52 Cal. App. 4th 1036, 1042, 61 Cal. Rptr. 2d 58 (1997); Globetrotter Software, Inc. v. Elan Computer Group, Inc., 63 F. Supp. 2d 1127, 1128 (N.D. Cal. 1999). These meritless suits often are referred to as "Strategic Lawsuits Against Public Participation" or "SLAPP" suits, with the result that Section 425.16 has come to be called the "Anti-SLAPP statute." See Baun at 1040 &n. 1; see also Batzel v. Smith, 333 F.3d 1018, 1023-24 (9th Cir. 2003) ("California law provides for pretrial dismissal of 'SLAPPs' ... [which are] lawsuits that 'masquerade as ordinary lawsuits' but are brought to deter common citizens from exercising their political or legal rights or to punish them from doing so.").

The statute provides that:

A cause of action against a person arising from any act of that person in furtherance of the person's right of petition or free speech under the United States or California Constitution in connection with a public issue shall be subject to a special motion to strike, unless the court determines that the plaintiff has established that there is a probability that the plaintiff will prevail on the claim.

Cal. Code Civ. Proc.§ 425.16(b)(l). The California Legislature explicitly directed that this statute "shall be construed broadly." Cal. Code Civ. Proc.§ 425.16(a).

Courts evaluate Anti-SLAPP motions using a two-step process. The first step is to determine whether the defendant has made a threshold showing that the challenged cause of action is one arising from protected activity. Only if such a showing is made should the court proceed on to the second step, which is to determine whether the plaintiff has demonstrated a probability of prevailing on the claim. Commonwealth Energy Corp. v. Investor Data Exchange, Inc., 110 Cal. App 4th 26, 31 (2002) (citations omitted).

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1. The conduct attributed to Valdes is based solely on clearly protected speech.

Protected activities include "any act in furtherance of a person's right of petition or free speech under the United States or California Constitution in connection with a public issue." Cal. Code Civ. Proc.§ 425.16(e). Specifically included in these activities is "any conduct in furtherance of the exercise of the constitutional right or petition or the constitutional right of free speech in connection with a public issue or an issue of public interest." Cal. Code Civ. Proc. § 425.16(e).

In showing that a cause of action "arises from" protected activity, the moving party need not prove that a plaintiff's intent in bringing a non-meritorious claim was to chill the exercise of protected rights - in fact, the specific intent of a plaintiff is irrelevant. Fox Searchlight Pictures v. Paladino, 89 Cal. App. 4th 294, 305 (2001); Tuchscher Dev. Enters., Inc. v. San Diego Unified Port Dist., 106 Cal. App. 4th 1219, 1232 (2003). The only consideration is whether the defendant's speech would actually be chilled as a result of the lawsuit.

2. Once a defendant shows that it engaged in a protected activity, the burden shifts to the plaintiff to establish a probability that it will prevail on its causes of action.

Once the defendant makes a threshold showing that a plaintiff's action is one arising from statutorily protected activity, the burden then shifts to the plaintiff to establish the probability that it will prevail on the merits of each of its causes of action without relying upon the protected activity. Cal. Code Civ. Proc. § 425.16(b). In this step, a motion to strike "operates like a demurrer or motion for summary judgment in 'reverse.' ... [T]he motion requires the plaintiff to demonstrate that he possesses a legally sufficient claim which is 'substantiated,' that is, supported by competent, admissible evidence." USANA Health Sciences, Inc. v. Minkow, 2008 WL 619287 at *5 (D. Utah March 4, 2008); citing, Coll. Hosp. Inc. v. Superior Court, 8 Cal. 4th 704, 34 Cal. Rptr. 2d 898 (1994)).

III. PLAINTIFF'S RETALIATORY COMPLAINT IS AN ATTEMPT TO CHILL VALDES'S VALID EXERCISE OF HER CONSTITUTIONAL FREEDOM OF SPEECH AND SO HIS COMPLAINT MUST BE STRICKEN

The single, overriding purpose of Plaintiff's complaint is to retaliate against Valdes and cause her stress and harm for no reason other than abuse and harassment. Furthermore, whatever speech Valdes made in the online forum does not qualify as defamatory. Most importantly, her comments online are protected speech.

This kind of lawsuit targeting another's First Amendment rights has been specifically denounced by the California Legislature, which enacted the Anti-SLAPP statute—Code of Civil Procedure section 425.16 — to counter the "disturbing increase in lawsuits brought primarily to chill the valid exercise of the constitutional right of freedom of speech." C.C.P. section 425.16. The Legislature there "declared that it is in the public interest to encourage continued participation in matters of public significance and that this participation should not be chilled through the abuse of the judicial process." Id.

DEFENDANT VANESSA VALDES'S ANTI-SLAPP MOTION TO STRIKE - 4

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In addition, anti-SLAPP motions can be used in online forums. Hec. movich v. Encinal Sch. Parent Teacher Org., 203 Cal. App. 4th 450 (2012). Second, social-media speech is no different from "traditional" speech. See Piping Rock Partners, Inc. v. David Lerner Assocs., Inc., No. C 12-04634 SI (N.D. Cal. May 17, 2013). Third, the Internet is a public form, i.e., a "public bulletin board." Wilbanks v. Wolk, 121 Cal. App. 4th 883 (2004). The Court of Appeal noted "[t]he internet is a classic public forum which permits an exchange of views in public about everything from the great issues of war, peace, and economic development to the relative quality of the chicken pot pies served at competing family restaurants in a single small neighborhood." In Chaker, the court held that even if the comments are derogatory, the court still has a precedent for protecting derogatory internet posts. See Chaker.

There, the defendant posted online comments against Plaintiff that he was "criminal and deadbeat dad". Nevertheless, the court had "little difficulty concluding Wendy's statements were made in a public forum", within public interest, and within her rights. The Court further went on to find that the statements made were non-actionable opinions, in large part because the statements were made in Internet forums designed for just these types of opinions. Because Chaker did not meet the burden to show he would prevail on his defamation claim, the court ruled to strike his complaint under the Anti-SLAPP statute.

The Statements alleged by Plaintiff in his complaint were either fabricated by persons other than Valdes, or the ones admittedly made by Valdes are not defamatory at all, and are fully within her rights of freedom of speech in online forums.

IV. DEFENDANT'S POSTS ARE PROTECTED SPEECH

The California Legislature defined the activities protected by section 425.16 as including "any written or oral statement or writing made in a place open to the public or a public forum in connection with an issue of public interest," and "any other conduct in furtherance of the exercise of the constitutional right of free speech in connection with a public issue or an issue of public interest." C.C.P. section 425.16(e). Issues relating to individuals dating and harassment habits is a public issue that is freely discussed online in such social media sites as Facebook. Since Valdes was led to such online groups as "Are We Dating the Same Guy Los Angeles" after experiencing the Plaintiff's derogatory statements and aggressive behavior, she had every right to express her rights, and inform the interested public of her frightening experience.

V. CONCLUSION

Based on the foregoing, defendant Valdes respectfully requests that the Complaint be dismissed in its entirety as to defendant Valdes pursuant to California's Anti-SLAPP statute and costs and reasonable court fees be awarded.

Dated this FEBRUARY 5, 2024.

VANESSA VALDES

DEFENDANT VANESSA VALDES'S ANTI-SLAPP MOTION TO STRIKE -



Yesterday, 21:11

Bold move :)

I'm amused by how you'll mess it up

Wait you already did

Wait you already did



Why is there a guy in your pic genius?

I'm amused by how you think you know me well enough to talk to me like one of your buddies.

Read my caption, genius.

Sent

Nobody reads captions moron



But it's fun watching you burn lol



Listen I wish you well in your search good luck

Nobody reads captions moron



But it's fun watching you burn lol



Listen I wish you well in your search good luck



Can you ever forgive me for not reading your online dating explanations of guys in your pic dear?



I know my credentials are hardly worthy of you much less my looks but can you please have your pet get it's hair all over my nice cloths?

Lucas

Chat



less my looks but can you please have your pet get it's hair all over my nice cloths?

Today, 00:29

Listen, Lucas Murrey. You're fucking with the wrong woman. I'm reporting your ass. Stay away from women and get help.

Sent

Send a message

Send

QWERTYUIOP

ASDFGHJKL





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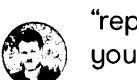
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reporting your ass. Stay away from women and get help.

Sent



Good Vanessa Loser I'm subpoenaing you're idiot "report" and possibly suing you for defamation

Does it upset you that I've broken no laws just like it's legal for you to a moron?

By the way, real decent women love me lol



Sorry it's not your night

And yes I will read anything you or anyone else dumb

women love me lol



Sorry it's not your night

And yes I will read anything you or anyone else dumb enough to frivolously "report" me say(s)

Try it

Like I said, amusing

"Stay away from women"? I'm sorry your so jealous when rejected



And the screenshots/data of you are enough to identify you via said subpoena

Please provide additional details

Lucas sent me some very strange, very aggressive messages out of nowhere. He called me names and said he liked "watching me burn". I feel threatened and afraid for any woman who agrees to meet with him in person.

Submit



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Done

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AA15:43 .ul 🗢 🗊 Are We Dating The Same Guy? | Los

Kel Culb Gib · Aug 3, 2022 · 🖪

next to me and my chent at the par exclaiming-"I've been looking for you all over town! You're a hard girl to pin down!" I was flabbergasted and freaking out because who tf does that?! To show up uninvited at a place I didn't tell you about? Luckily a British guy a few seats over heard everything and pretended like he knew me and my client, apologized for having a call that ran long, and said why don't w... See more

10w Wow Reply

Angeles

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Liv Burger

Elly Shariat omg that's terrible!

10w Like Reply

1 🔘

View 7 replies...



Write a reply...



Carisa Ducommun lezza Aka Dr. Stewart Lucas Murrey

10w Like Reply





Vanessa Valdes

HOW HAS THIS GUY NOT BEEN REMOVED FROM DATING APPS AND ARRESTED ALREADY?!?!

I matched with him a couple years ago and received the most BIZARRE and threatening messages from him! It was so weird and scary

Rules



Write a comment...































EXHIBIT C

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